

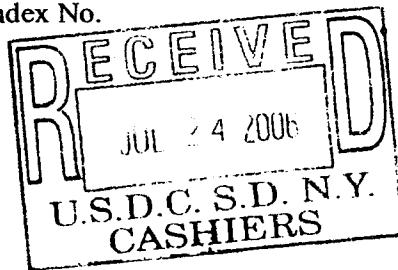
Thomas E. Willoughby (TW 4452)
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SEVENTH AVENUE INC., THE SWISS COLONY,
OMT ENTERPRISES, INC., FUNLINE
MERCHANDISE CO., INC., A & B HONGDA
GROUP, INC., PADDOCK POOL CONSTRUCTION
CO., DESIGNPAC INC., COBRACO
MANUFACTURING, INC., TANDY BRANDS
ACCESSORIES INC., HYC LOGISTICS, INC.,
JIMCO LAMP COMPANY, BURLINGTON
COAT FACTORY,

06 CV 5572

Index No.



Plaintiffs,

COMPLAINT

- against -

M/V CMA-CGM VIVALDI, her engines, tackle, boiler, etc.,
in rem, CMA-CGM S.A., CMA-CGM (AMERICA) INC.,
MEDITERRANEAN SHIPPING COMPANY (HK) LTD.,
EXPEDITORS INTERNATIONAL OCEAN, DYNALINK
SYSTEMS INC., LOGISTICS USA, INC., BRIGHT
FORTUNE SHIPPING LTD., DYNAMIC NETWORK
CONTAINERLINE LTD., ANR INC., HONOUR LANE
SHIPPING LTD., CARPE AIR & SEA SHIPPING INC.,
in personam,

Defendants.

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The plaintiffs herein, by their attorneys, Hill Rivkins & Hayden LLP, complaining
of the above named vessel and defendants, allege upon information and belief:

FIRST: This is an admiralty and maritime claim within the meaning of
Rule 9(h) of the Federal Rules of Civil Procedure.

SECOND: At and during all times hereinafter mentioned, plaintiffs had and now have the legal status and principal offices and places of business stated in Schedule B hereto annexed and by this reference made a part hereof.

THIRD: At and during all the times hereinafter mentioned, defendants had and now have the legal status and offices and places of business stated in Schedule B, and were and now are engaged in business as common carriers of merchandise by water for hire, and owned, operated, managed, chartered and controlled the above named vessel which now is or will be within the jurisdiction of this Court during the pendency of this action.

FOURTH: On or about the dates and at the ports of shipment stated in Schedule A, there were delivered to the vessel and defendants in good order and condition the shipments described in Schedule A, which the said vessel and defendants received, accepted and agreed to transport for certain consideration to the ports of destination stated in Schedule A.

FIFTH: Thereafter, the said vessel arrived at the port of destination described in Schedule A and the cargo not delivered in the same good order and condition in which it was received.

SIXTH: Defendants, by reason of the premises, breached their duties to the plaintiffs as common carriers by water for hire and were otherwise at fault.

SEVENTH: Plaintiffs were the shippers, consignees or owners or otherwise had a proprietary interest of and in the cargoes as described in Schedule A, and bring this action on their own behalf and, as agents and trustees, on behalf of and for the interest of

all parties who may be or become interested in the said shipment, as their respective interests may ultimately appear, and plaintiffs are entitled to maintain this action.

EIGHTH: Plaintiffs have duly performed all duties and obligations on their part to be performed.

NINTH: By reason of the premises, plaintiffs have sustained damages nearly as same can now be estimated, no part of which has been paid, although duly demanded, in the amount of \$500,000.00

W H E R E F O R E, plaintiffs pray:

1. That process in due form of law according to the practice of this Court may issue against defendants.

2. That if defendants cannot be found within this District, that all of their property within this District, as shall be described in the affidavit, be attached in the sum set forth in this complaint, with interest and costs.

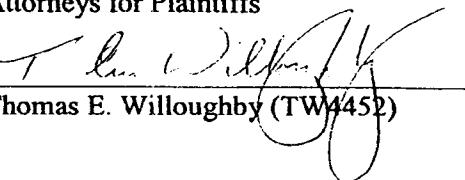
3. That a decree may be entered in favor of plaintiffs against defendants for the amount of plaintiffs' damages, together with interest and costs.

4. That process in due form of law according to the practice of this Court may issue against the aforesaid named vessels.

5. Plaintiffs further pray for such other, further and different relief as to this Court may seem just and proper in the premises.

Dated: New York, New York
July 21, 2006

HILL RIVKINS & HAYDEN LLP
Attorneys for Plaintiffs

By: 
Thomas E. Willoughby (TW4452)

**45 Broadway, Suite 1500
New York, New York 10006-3739
(212) 669-0600**

Schedule A

H.R. FILE NUMBER	VESSEL	PLAINTIFF	HOUSE B/L	MASTER B/L	CONTAINER(S)	GOODS	TYPE OF DAMAGE		VALUE (FOB)	Load	Discharge	Final
										
29004-1A	Vivaldi	Seventh Avenue	...	611459139 S22701074	Various	...	Unknown	...	\$30,259.20	Yantian	Long Beach	Chicago
29004-1A	Vivaldi	Seventh Avenue	...	611459139 S22701073	Various	...	Unknown	...	\$10,355.86	Yantian	Long Beach	Chicago
29004-1A	Vivaldi	Seventh Avenue	...	611459139 S22701075	Various	...	Unknown	...	\$9,394.20	Yantian	Long Beach	Chicago
29004-1A	Vivaldi	Seventh Avenue	...	611459139 S22701063	Various	...	Unknown	...	\$29,617.15	Yantian	Long Beach	Chicago
29004-1A	Vivaldi	Seventh Avenue	...	611459139 S22701063	Various	...	Unknown	...	\$28,199.78	Yantian	Long Beach	Chicago
29004-1A	Vivaldi	Swiss Colony (related to Seventh Ave.)	...	611459134 S22701091	Various	...	Unknown	\$31,182.00 approx	Yantian	Long Beach	Chicago	
29004-1A	Vivaldi	Swiss Colony	...	611459139 S22701069	Various	...	Unknown	\$31,152.00 approx	Yantian	Long Beach	Chicago	
29004-1A	Vivaldi	Seventh Avenue	...	611459134 S22701072	Various	...	Unknown	\$19,500.00	Yantian	Long Beach	Chicago	
29004-1A	Vivaldi	Seventh Avenue	...	611459139 S22701065	Various	...	Unknown	\$19,518.00	Yantian	Long Beach	Chicago	
29004-1A	Vivaldi	Seventh Avenue	...	611459139 S22701065	Various	...	Unknown	\$24,224.37	Yantian	Long Beach	Chicago	
29004-1A	Vivaldi	Seventh Avenue	...	611459139 S22701071	Various	...	Unknown	\$13,403.80	Yantian	Long Beach	Chicago	
29004-1A	Vivaldi	Seventh Avenue	...	611459137 S22701061	...	Overboard	\$23,988.28	\$3,898.00	Yantian	Long Beach	(Intended)	
29004-1A	Vivaldi	Seventh Avenue	...	611459137 S22701061	Beer with Tray, Beer Clock set, Dog Butler tray	Overboard	\$37,452.50	Yantian	Long Beach	Chicago		
29004-1A	Vivaldi	Seventh Avenue	...	611459139 S22701062	Various	...	Unknown	...	Yantian	Long Beach	Chicago	
29004-1A	Vivaldi	Seventh Avenue	...	611459131 S22701064	Various	...	Unknown	\$19,310.98	Yantian	Long Beach	Chicago	
29004-1A	Vivaldi	Seventh Avenue	...	611459132 S22701066	Various	...	Unknown	\$15,335.10	Yantian	Long Beach	Chicago	
29004-1A	Vivaldi	Seventh Avenue	...	6910468051 CMHD120098656	...	...	Unknown	\$15,246.00 approx	Yantian	Long Beach	Chicago
29004-1A	Vivaldi	Seventh Avenue	...	611459138 S22701052	Various	...	Unknown	\$31,575.00	Yantian	Long Beach	Chicago	
29004-1A	Vivaldi	Seventh Avenue	...	611459138 S22701047	Various	...	Unknown	\$10,632.05	Yantian	Long Beach	Chicago	
29004-1A	Vivaldi	Seventh Avenue	...	611459131 S22701087	Various	...	Unknown	\$15,335.10	Yantian	Long Beach	Chicago	
29004-1A	Vivaldi	Seventh Avenue	...	611459131 S22701087	Various	...	Unknown	\$28,590.00	Yantian	Long Beach	Chicago	
29004-1A	Vivaldi	Seventh Avenue	...	611459137 S22701088	Various	...	Unknown	\$10,895.00	Yantian	Long Beach	Chicago	
29004-1A	Vivaldi	Seventh Avenue	...	611459137 S22701076	...	Overboard	CIF \$11,656.52	Yantian	Long Beach	Gardena, CA		
29004-1B	Vivaldi	OMT Enterprises ("Union Performance Companies - Furniture Mechanics Co. Inc.)	S200811268A	MSCUY7920215	GLUD7225603	Lawn Decorations / Statues	Overboard	...	Yantian	Long Beach	Gardena, CA	
29004-1C	Vivaldi	...	...	TRU0134447	927 cartons Toys	Overboard	\$21,582.99	\$2,804.37 Kong	Hong Kong	Long Beach (Intended)	Rancho Cucamonga, CA
29004-1D	Vivaldi	A & B Honda Group, Inc.	S2F058174L68	MSCUY793074	1227 cartons Christmas decorations & wood furniture	Overboard	\$14,486.18 (Delivery to freight door)	\$1,438.25	Yantian	Long Beach	Chicago	
29004-1E	Vivaldi	Paddock Pools and Spas	S2X050802721	MSCUY793074	Christmas Decorations	Wetting damage	\$8,452.93	...	Yantian	Long Beach	Phoenix, AZ	
29004-1F	Vivaldi	Designpac	S2XCH1152840	MSCUY7901736	...	Overboard	\$16,650.40	...	Yantian	Long Beach	Chicago	
29004-2A	Vivaldi	CohnCo Manufacturing, Inc.	611459286	...	...	Wetting damage	4494.02 (Freight + duty)	...	Yantian	Long Beach	Lake Zurich, IL
29004-2B	Vivaldi	Trendy Bands Accessories	6910468068	...	8865 Pcs. Garden Statues Electric race, Air Compressor, Shower Clock/Radio, Auto Mug	Overboard	\$38,195.70 duty	...	Yantian	Long Beach	Pleider Ville De Tanya	
29004-2C	Vivaldi	Harvey Yaffe Company, NYC Logistics, Inc.	MSCUY7891560	...	2482 cartons lighting fixtures (lamp & lantern)	Overboard	\$39,000.00	...	Hong Kong	Long Beach	Chicago, IL	
29004-2D	Vivaldi	Burlington Coat Factory	GSE050906	HK-2008366	ECMU0573480	1250 cartons floral arrangements	Overboard	\$5,400 freight (\$81,979.08)	\$85,576.08	Hong Kong	Burlington, Los Angeles	Cape Air & Sea Shipping, Inc.

SCHEDULE B

Plaintiffs:

- (1) **Seventh Avenue Inc.**
1112 7th Avenue
Monroe, WI 53566
- (2) **The Swiss Colony**
1112 7th Avenue
Monroe, WI 53566
- (3) **OMT Enterprises, Inc.**
1927 West 127th Street
Gardena, CA 90249
- (4) **Funline Merchandise Co., Inc.**
20405 East Business Parkway
City of Industry, CA 91789
- (5) **A & B Honda Group, Inc.**
4520 Santa Anita Avenue
Rancho Cucamonga, CA 91730
- (6) **Paddock Pool Construction Co.**
6525 E. Thomas Road
Scottsdale, AZ 85251
- (7) **DesignPac Inc.**
2457 W. North Avenue
Melrose, IL 60160
- (8) **CobraCo Manufacturing, Inc.**
30 East Main Street
Lake Zurich, IL 60047
- (9) **Tandy Brands accessories Inc.**
690 East Lamar Boulevard
Arlington, TX 76011
- (10) **HYC Logistics, Inc.**
2650 Thousand Oaks Boulevard
Memphis, TN 38118
- (11) **Jimco Lamp Company**
Highway 63 North
Bono, AR 72416

(12) **Burlington Coat Factory**
1830 Route 130 North
Burlington, NJ 08016

Defendants: **CMA-CGM S.A.**
c/o **CMA-CGM (America) Inc.**
5701 Lake Wright Drive
Norfolk, VA 23502

CMA-CGM (America) Inc.
5701 Lake Wright Drive
Norfolk, VA 23502

Mediterranean Shipping Company (HK) Ltd.
c/o **Mediterranean Shipping Company (USA) Inc.**
420 Fifth Avenue
New York, NY 10018

Expeditors International Ocean
c/o **Expeditors International of Wethington, Inc.**
245 Roger Avenue
Inwood, NY 11096

Dynalink Network Container Line Ltd.
Hong Kong

Logistics USA, Inc.
147-27 175th Street
Jamaica, NY 11434

Bright Fortune Shipping Ltd.
4/F, Heany Cargo Bldg.
111 Wai Yip Street
Kwun Tong, Kowloon, Hong Kong

Dynamic Network Container Line Ltd.
Hong Kong

ANR Inc.
Hong Kong

Honour Lane Shipping Ltd.
Room 1201-1206, Nan Fung Tower
173 Des Voeux Road Central
Hong Kong

**Carpe Air & Sea Shipping Inc.
360 Sylvan Avenue
Englewood Cliffs, NJ 07632**